



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No. 794-25
Ref: Signature Date

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Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 24 March 2025. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include to the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice or clemency determinations (Wilkie Memo).

You enlisted in the Navy with a pre-service history of two civil arrests for driving under the influence (DUI) and you began a period of active duty on 28 May 1980. After a period of continuous Honorable service, you reenlisted and commenced a second period of active duty on 30 April 1984.

During your second enlistment, you were arrested twice for driving while intoxicated (DWI). Following your first civil offense for public drunkenness and DWI in June 1986, your driver's license was revoked. On 8 November 1986, you were again arrested for a DWI offense while driving on a suspended license. On 21 November 1986, you were prescribed Antabuse to assist you in gaining control over your problematic drinking and were evaluated by the Counseling and Assistance Center for an alcohol-abuse rehabilitation program. On 2 April 1987, you were counseled that you were being retained in the Navy despite having failed to report for required urinalysis testing. On 1 May 1987, you were convicted by civil authorities for your DWI offense and were sentenced to 40 days in civilian jail. Consequently, you were notified of processing for administrative separation by reason of misconduct due to the commission of serious civil offenses. After consulting legal counsel, you elected to voluntarily waive your right to a hearing before an administrative separation board. The recommendation for your involuntary separation

under Other Than Honorable (OTH) conditions was approved on 6 August 1987. You were so discharged on 17 August 1987.

The Board carefully considered all potentially mitigating factors to determine whether the interests of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge and your contentions that your discharge was unjust based on the circumstances surrounding your misconduct, you had requested a discharge to remain with your wife, your wife was experiencing a serious medical condition while you were assigned to ship duty, and your orders failed to be canceled or changed. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your petition without any other additional documentation.

After thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined that your misconduct, as evidenced by your NJPs, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and found that your conduct showed a complete disregard for military authority and regulations. The Board observed you were given multiple opportunities to correct your conduct deficiencies but chose to continue to commit misconduct; which led to your OTH discharge. Your conduct not only showed a pattern of misconduct but was sufficiently pervasive and serious to negatively affect the good order and discipline of your command. Further, with respect to your contentions of injustice regarding the purported failure to cancel or change your orders to accommodate the circumstances of your wife's illness, the Board found no rational nexus between the repeated DUI/DWI misconduct and your contended mitigating circumstances.

As a result, the Board determined that there was no impropriety or inequity in your discharge and concluded that your misconduct and disregard for good order and discipline clearly merited your discharge. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity is attached to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

4/14/2025